

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LARRY SAMMS

Plaintiff

v.

ABRAMS, FENSTERMAN,
FENSTERMAN, EISMAN, FORMATO,
FERRARA & WOLF, LLP
Defendant

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Case No.: 1:15-CV-02741-JSR

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**Declaration of Ahmad Keshavarz in Support
of Motion for Summary Judgment as to
Liability**

NOW COMES Ahmad Keshavarz and pursuant to 28 U.S.C. § 1746, declares under penalty of perjury that the following is true and correct.

1. I am the attorney for Plaintiff Larry Samms.
2. I submit this declaration in support of Plaintiff's Rule 56 Motion for Summary Judgment.
3. Annexed hereto as "Exhibit A" is a true and correct copy of the Summons and Complaint in the lawsuit: *Bishop Charles W. Maclean Episcopal Nursing Home v. Larry Samms*, Index No. 55343/2014 (Supreme Court of the State of New York, Westchester County).
4. Annexed hereto as "Exhibit B" is a true and correct copy of the September 8, 2015 deposition transcript of Plaintiff Larry Samms.
5. Annexed hereto as "Exhibit C" is a true and correct copy of the January 2, 2015 Affidavit of Larry Samms in support of his "Motion to Change the Place of Trial" in the lawsuit: *Bishop Charles W. Maclean Episcopal Nursing Home v. Larry Samms*, Index No. 55343/2014 (Supreme Court of the State of New York,

Westchester County).

6. Annexed hereto as “Exhibit D” is a true and correct copy of the December 14, 2014 Answer of Larry Samms in the lawsuit: *Bishop Charles W. Maclean Episcopal Nursing Home v. Larry Samms*, Index No. 55343/2014 (Supreme Court of the State of New York, Westchester County).
7. Annexed hereto as “Exhibit E” is a true and correct copy of the December 31, 2014 Verified Answer of Larry Samms to the lawsuit: *Bishop Charles W. Maclean Episcopal Nursing Home v. Larry Samms*, Index No. 55343/2014 (Supreme Court of the State of New York, Westchester County).
8. Annexed hereto as “Exhibit F” is a true and correct copy of Mr. Larry Samms’ Voter Identification Card.
9. Annexed hereto as “Exhibit G” is a true and correct copy of Mr. Larry Samms’ Driver’s License.
10. Annexed hereto as “Exhibit H” is a true and correct copy of a returned January 15, 2014 collection letter from Defendant Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara & Wolf, LLP (“Abrams” or “Defendant”) to Plaintiff Mr. Larry Samms.
11. Annexed hereto as “Exhibit I” is a true and correct copy of the Affidavit of Service of the Summons and Complaint in the lawsuit: *Bishop Charles W. Maclean Episcopal Nursing Home v. Larry Samms*, Index No. 55343/2014 (Supreme Court of the State of New York, Westchester County).

12. Annexed hereto as “Exhibit J” is a true and correct copy of an April 22, 2014 collection letter from Abrams to Plaintiff.
13. Annexed hereto as “Exhibit K” is a true and correct copy of a April 25, 2014 failed service of process report.
14. Annexed hereto as “Exhibit L” is a true and correct copy of an August 1, 2014 collection letter from Abrams to Plaintiff.
15. Annexed hereto as “Exhibit M” is a true and correct copy of the September 2, 2014 application for default judgment in the lawsuit: *Bishop Charles W. Maclean Episcopal Nursing Home v. Larry Samms*, Index No. 55343/2014 (Supreme Court of the State of New York, Westchester County).
16. Annexed hereto as “Exhibit N” is a true and correct copy of the September 15, 2014 entry of judgment in the lawsuit: *Bishop Charles W. Maclean Episcopal Nursing Home v. Larry Samms*, Index No. 55343/2014 (Supreme Court of the State of New York, Westchester County).
17. Annexed hereto as “Exhibit O” is a true and correct copy of the September 29, 2014 Order to Show Cause to vacate the default judgment in the lawsuit: *Bishop Charles W. Maclean Episcopal Nursing Home v. Larry Samms*, Index No. 55343/2014 (Supreme Court of the State of New York, Westchester County).
18. Annexed hereto as “Exhibit P” is a true and correct copy of the August 24, 2015 Deposition Transcript of Melanie Wiener, a corporate representative and fact witness for Defendant Abrams.

19. Annexed hereto as “Exhibit Q” is a true and correct copy of the November 14, 2014 Order, vacating the default judgment in the lawsuit: *Bishop Charles W. Maclean Episcopal Nursing Home v. Larry Samms*, Index No. 55343/2014 (Supreme Court of the State of New York, Westchester County).
20. Annexed hereto as “Exhibit R” is a true and correct copy of the CPLR 511(b) demand to change the place of trial in the lawsuit: *Bishop Charles W. Maclean Episcopal Nursing Home v. Larry Samms*, Index No. 55343/2014 (Supreme Court of the State of New York, Westchester County).
21. Annexed hereto as “Exhibit S” is a true and correct copy of the August 18, 2015 billing statement of Guy R. Fairstein, Esq, along with the December 9, 2015 verification of Guy R. Fairstein, Esq.
22. Annexed hereto as “Exhibit T” is a true and correct copy of Guy Fairstein’s Notice of Appearance in the lawsuit: *Bishop Charles W. Maclean Episcopal Nursing Home v. Larry Samms*, Index No. 55343/2014 (Supreme Court of the State of New York, Westchester County).
23. Annexed hereto as “Exhibit U” is a true and correct copy of the motion to change the place of trial in the lawsuit: *Bishop Charles W. Maclean Episcopal Nursing Home v. Larry Samms*, Index No. 55343/2014 (Supreme Court of the State of New York, Westchester County).
24. Annexed hereto as “Exhibit V” is a true and correct copy of the Stipulation to Change Venue in the lawsuit: *Bishop Charles W. Maclean Episcopal Nursing Home v. Larry Samms*, Index No. 55343/2014 (Supreme Court of the State of

New York, Westchester County).

25. Annexed hereto as “Exhibit W” is a true and correct copy of the February 19, 2015 Order to change the venue in the lawsuit: *Bishop Charles W. Maclean Episcopal Nursing Home v. Larry Samms*, Index No. 55343/2014 (Supreme Court of the State of New York, Westchester County).
26. Annexed hereto as “Exhibit X” is a true and correct copy of December 9, 2015 Discovery Answers produced by Abrams.
27. Annexed hereto as “Exhibit Y” is a true and correct copy of December 9, 2015 Discovery Answers produced by Abrams.
28. Annexed hereto as “Exhibit Z” is a true and correct copy of the October 16, 2015 Errata Sheet to the September 8, 2015 Deposition Transcript of Mr. Larry Samms.
29. Annexed hereto as “Exhibit AA” is a true and correct copy of the July 29, 2015 Discovery Answers of Abrams.
30. Annexed hereto as “Exhibit BB” is a true and correct copy of a redacted Discover Card statement for Mr. Samms for the period of March 21, 2014 to April 20, 2014.
31. Annexed hereto as “Exhibit CC” is a true and correct copy of a redacted ConEdison statement for Mr. Samms for the period of September 4, 2013 to August 5, 2015.

Respectfully submitted,

/s/

Ahmad Keshavarz
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CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Anthony Joseph Genovesi , Jr., Esq.
Attorney for Defendant
Abrams, Fensterman, Fensterman,
Eisman, Formato, Ferrara & Wolf, LLP
1111 Marcus Avenue, Suite 107
Lake Success, NY 11042
Fax: (516) 328-6638
Email: agenovesi@abramslaw.com

Dated: Brooklyn, NY
December 9, 2015

/s/

Ahmad Keshavarz